

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Glen Friedman et al.

Confirmation No.: 4318

Application No.: 09/997,713

Filed: November 29, 2001

For: METHOD AND APPARATUS FOR VIRTUAL EDITING OF  
MULTIMEDIA PRESENTATIONS

Atty. Docket No.: 007287.00014

Group Art Unit: 2179

Examiner: Bautista, Xiomara L.

**REPLY BRIEF**

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Sir:

This *Reply Brief* is filed pursuant to 37 C.F.R. § 41.41 in response to the Examiner's Answer mailed December 23, 2008. Because Appellants believe that the examining corps' errors are readily ascertainable on the briefs, Appellants do not request an oral hearing at this time. However, if the Board of Patent Appeals & Interferences believes that an oral hearing would be beneficial, the Board is invited to contact Appellants' undersigned representative at (202) 824-3156.

***Remarks***

Pages 3-9 of the Examiner's Answer merely repeat the rejections in the final Office Action, and were fully addressed in Appellants' Appeal Brief filed October 28, 2008. This Reply Brief addresses the "Response to Argument" beginning on page 10 of the Examiner's Answer.

The clearest flaw in the rejection of claim 1 under 35 U.S.C. § 103(a) is that the cited references do not teach or suggest "the second desired portion being automatically displayed after the first desired portion without user interaction." Nowhere does the original rejection or

the Examiner's Answer identify any portion of Gupta, Boreczky or Bennett that teaches or suggests such a feature.

Indeed, the Examiner's assertions clearly support Appellants' position that Bennett requires user interaction to move from one marked portion to another. In particular, the Examiner states in response to Appellant's remarks that:

Bennett discloses mark tools for navigating a plurality of marked questions (col. 18, lines 25-32) by using a plurality of mark keys. Bennett explains that a terminal can be used to mark positions on an audio tape, store and associate each position indication with a corresponding key-stroke and that the terminal can be used to display the position indicator and quickly locate the desired audio manually (col. 25, lines 49-58). Bennett also explains that a communication link can be used by the terminal to communicate control signals to the tape recorder so as to automatically position and playback previously recorded audio upon request (col. 25, lines 59-62). Bennett further explains that using synchronization for locating and playing audio and video is a valuable tool for a user, such as an attorney, because if the attorney wants to play portions of the audio or video, for example, during trial, the attorney may use the lexical searching capabilities (marks) of the terminal to locate the desired Q & A's, and may then automatically play the associated audio or video back for the judge and jury (col. 26, lines 27-33). (Examiner's Answer, p. 12).

From the above, all of the citations provided by the Examiner support Appellants' position that Bennett requires manual interaction. For example, and as cited by the Examiner, Bennett describes that quick location of marked positions on an audio tape is performed manually. (col. 25, ll. 49-58). The Examiner even cites a portion of Bennett describing that, during trial, for example, an attorney may use lexical searching capabilities (marks) of Bennett's terminal to locate the desired Q & A's, and may then automatically play the associated audio or video back for the judge and jury. Again, Bennett clearly describes the need for manual lexical searching by an attorney to locate the desired portions in order to be able to play the associated audio or video back for the judge and jury. None of these cited passages or the Examiner's Answer provide any support for a second desired portion being automatically displayed after the first desired portion without user interaction, as recited in claim 1.

Independent claims 6 and 18 recite features similar to those discussed above with respect to claim 1 and thus, the same remarks apply to those claims as well.

Additionally, with respect to claim 6, the Examiner's Answer fails to support the assertion that Kelly teaches or suggests "transmitting, *from* the location remote from said first location, to a viewing system the annotation file as a transmission that is distinct from the broadcast of the event." The Examiner's Answer only regurgitates the same allegations made in the Final Office Action dated November 28, 2007. In particular, the Examiner's Answer asserts that:

Kelly discloses a system for marking N broadcast events by selecting one or more events and storing a set of data associated with each selected event as an activity record (AR) in an activity table (AT). Kelly explains that the AT with the set of event identifiers is transmitted to an on-line database (remote location) having information relating to N program schedules and other information and related website hotlinks to generate a set of associated network locations, which can be used by the viewers for access to, and display of the generated set of internet locations or websites associated with the selected events (col. 1, lines 54-67).

Even assuming that the above assertions are valid, Kelly describes the transmission of an activity table to an on-line database, rather than from a location remote from said first location to the viewing system, as recited in claim 6. Indeed, the Examiner's assertions support Appellants' position that Kelly does not describe the transmission of an annotation file for an event from a location remote from a first location to a viewing system to which the event is broadcast.

**CONCLUSION**

Appellants believe that the above reasoning presents the clearest arguments for overturning the rejection. For all the foregoing reasons, and based on the previously submitted arguments, Appellants respectfully request that the Board instruct the examining corps to withdraw the rejections and pass this case to issuance at its earliest convenience. If there are any questions or any additional information is required, please contact Appellants' undersigned representative at (202) 824-3156.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Date: February 23, 2009

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